

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ANGELIQUE MILLER O/B/O  
J. MILLER,  
Plaintiff**

**v.**

**CAROLYN W. COLVIN,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,  
Defendant**

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**No. 3:13-cv-02458**

**(Judge Kane)**

**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

On February 11, 2010, Plaintiff Angelique Miller, acting on behalf of J. Miller, a minor, protectively filed an application for supplemental security income benefits under Title XVI of the Social Security Act. (Doc. No. 1 ¶ 5.) Her claim was denied, and Plaintiff subsequently filed a request for a hearing. (*Id.* ¶¶ 6-7.) On December 1, 2011, a hearing on Plaintiff's claim convened before Administrative Law Judge ("ALJ") Edward L. Brady. (Doc. No. 7-2 at 18-43.) On January 25, 2012, the ALJ issued a decision denying Plaintiff's claim. (Doc. No. 7-3 at 6-18.) Plaintiff then filed a request for review with the Appeals Council; on August 5, 2013, the Appeals Council denied the request for review. (Doc. No. 1 ¶¶ 9-10.) The ALJ's decision of January 25, 2012, is thus the final decision of the Commissioner and the Social Security Administration.

On September 25, 2013, Plaintiff filed the above-captioned action seeking review of the final decision of the Commissioner of the Social Security Administration. (Doc. No. 1.) On July 29, 2014, Magistrate Judge Gerald B. Cohn issued a Report and Recommendation in which he recommended that the Court deny the appeal and affirm the decision of the ALJ. (Doc. No. 17.)

On August 15, 2014, Plaintiff filed a timely objection to the Report and Recommendation. (Doc. No. 18.)

The Magistrate Act, 28 U.S.C. § 636, and Federal Rule of Civil Procedure 72(b), provide that any party may file written objections to a magistrate's proposed finding and recommendations. In deciding whether to accept, reject, or modify the Report and Recommendation, the Court is to make a de novo determination of those portions of the Report and Recommendation to which specific objections are made. 28 U.S.C. § 636(b)(1); see also Sample v. Diecks, 885 F. 2d 1099, 1106 n.3 (3d Cir. 1989). However, where an objection is not specific, de novo review is not required. Brown v. Astrue, 649 F.3d 193, 195 (3d Cir. 2011) (citing Goney v. Clark, 749 F.2d 5, 6-7 (3d Cir. 1984)). Rule 72.3 of the Local Rules for the Middle District of Pennsylvania similarly provides that objections to the Report and Recommendation of a Magistrate Judge "shall specifically identify the portion of the proposed findings, recommendations or report to which objection is made and the basis for such objections." M.D. Pa. L.R. 72.3 (emphasis added).

Plaintiff's sole "objections," however, consist entirely of impertinent attacks on the integrity of the Court, rather than specific objections to the recommended findings of Magistrate Judge Cohn.<sup>1</sup> Plaintiff states that Judge Cohn "issued four unfavorable Report and Recommendations on the exact same date all of which involved the Plaintiff's counsel on cases which have been in the system for a substantial period of time." (Doc. No. 18 at 10.) Plaintiff goes on to assert that Magistrate Judge Cohn has "purposely engaged in this tactic to limit Plaintiff's counsel the opportunity to respond to his unfair recommendations," and further, that it

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<sup>1</sup> The Court observes that to the extent Plaintiff highlights alleged errors by the ALJ in her "Conclusion" section, Plaintiff simply copies verbatim the conclusion section of her brief in support of her appeal. (See Doc. Nos. 12 at 14, 18 at 9.)

is “certainly questionable whether [Magistrate Judge Cohn’s] purpose is to simply recommend the denial of all appeals in an effort to reduce the current backlog of cases.” (Id.) Plaintiff concludes that this mandates “judicial review of all issues raised in Plaintiff’s original brief.” (Id. at 11.) However, Plaintiff’s “objection” is without merit; the Court has reviewed the record and Magistrate Judge Cohn’s Report and Recommendation, and agrees with Magistrate Judge Cohn that the decision of the ALJ denying Plaintiff benefits was supported by substantial evidence. Accordingly, the Court will adopt the Report and Recommendation, will overrule Plaintiff’s “objections,” and will affirm the decision of the Commissioner of Social Security.

**ACCORDINGLY**, on this 24<sup>th</sup> day of September 2014, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Cohn’s Report and Recommendation (Doc. No. 17) is **ADOPTED**;
2. Plaintiff’s objections (Doc. No. 18) are **OVERRULED**;
3. The decision of the Commissioner denying supplemental social security income to Plaintiff is **AFFIRMED**;
4. The Clerk of Court shall enter judgment in favor of the Defendant Commissioner of Social Security and against Plaintiff; and,
5. The Clerk of Court is directed to close the above-captioned action.

S/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania